

REMARKS/ARGUMENTS

Claims 1-20 remain in this application for further review. Claims 1-3 are currently amended for clarification, claim 7 was previously presented, and claims 4-6 and 8-20 are original. No new matter has been added.

An Examiner Interview was held on March 28, 2005 with regard to the March 17, 2005 Office Action. During the Examiner Interview, applicant's attorney and Examiner Khatri discussed the allowability of claims 1-20 under 35 U.S.C. §101. In light of this Interview and the remarks herein, applicant asserts that the claims are allowable over 35 U.S.C. §101 and a Notice of Allowance should be entered.

I. Rejection under 35 U.S.C. § 101.

Claims 1-20 are rejected under 35 U.S.C. §101 because it is believed that the claimed invention is an abstract idea. In making this determination, the Office Action cites *In re Warmerdam* (hereinafter "*Warmerdam*"). 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1994).

Warmerdam stands for the proposition that abstract ideas or laws of nature, which constitute descriptive material, are non-statutory. See *Warmerdam*, 31 USPQ2d at 1759. However, when functional descriptive material is recorded on some computer-readable medium *it becomes structurally and functionally interrelated to the medium* and will be statutory in most cases *since use of technology permits the function of the descriptive material to be realized*. See *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (stating that a claim to a data structure stored on a computer-readable medium that increases computer efficiency is statutory), and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759

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(stating that a claim to a computer having a specific data structure stored in memory is a statutory product-by-process claim). (Emphasis added). In light of the above case law, applicant asserts that the claims are allowable under 35 U.S.C. § 101.

Along with other language in the claim, independent claim 1 specifically recites the following language that indicates statutory subject matter under *In re Lowry*:

"A computer-readable medium encoded with a computer-readable first data structure" Emphasis added.

"a first definition data field defining the first data structure as a first namespace, the first definition data field including a common name portion and a unique identifier portion, wherein the common name portion is associated with the first namespace and the unique identifier portion is associated with the first namespace, the common name portion being configured to identify the first namespace in a human-readable manner, the unique identifier portion being configured to distinguish the first namespace from other namespaces" Emphasis added.

Along with other language in the claim, independent claim 8 specifically recites the following language that indicates statutory subject matter under *In re Lowry*:

"A computer-readable medium having computer-executable components" Emphasis added.

"a first namespace having a common name and a unique identifier, the first namespace including a plurality of declarations" Emphasis added.

"a second namespace having an import declaration that causes the first namespace to be included within the scope of the second namespace, the import declaration defining a local name that identifies the first namespace by the common name and the unique identifier such that a declaration within the plurality of declarations in the first namespace is accessible in the scope of the second namespace by reference to the local name for the first namespace" Emphasis added. Emphasis added.

Along with other language in the claim, independent claim 13 specifically recites the following language that indicates statutory subject matter under *In re Lowry*:

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"A computer system that uses namespaces" Emphasis added.

"a first namespace having a common name and a unique identifier, the first namespace including a plurality of declarations" Emphasis added.

"a second namespace having an import declaration that causes the first namespace to be included within the scope of the second namespace, the import declaration defining a local name that identifies the first namespace by the common name and the unique identifier such that a declaration within the plurality of declarations in the first namespace is accessible in the scope of the second namespace by reference to the local name for the first namespace" Emphasis added.

Along with other language in the claim, independent claim 18 specifically recites the following language that indicates statutory subject matter under *In re Lowry*:

"A computer-implemented method for creating a namespace" Emphasis added.

"declaring a first namespace with a unique namespace identifier, the first namespace including a common name and a plurality of declarations" Emphasis added.

"importing the first namespace into a second namespace using the unique namespace identifier and a local name" Emphasis added.

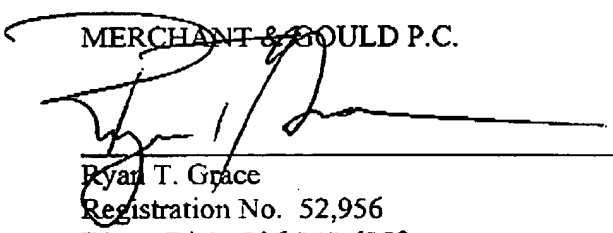
"accessing a declaration within the plurality of declarations in the first namespace within the scope of the second namespace by reference to the local name" Emphasis added.

Applicant asserts that the above elements along with other elements of the claims make the claims allowable under 35 U.S.C. § 101. Claims 2 and 3 have been amended as set forth above to further clarify the claims in light of the clarifications made to independent claim 1. Claims 2-7, 9-12, 14-17 and 19-20 ultimately depend from claims 1, 8, 13 and 18, respectively. Accordingly, applicant asserts that claims 2-7, 9-12, 14-17 and 19-20 are allowable for at least the same reasons set forth above.

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In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,


MERCHANT & GOULD P.C.

Ryan T. Grace
Registration No. 52,956
Direct Dial: 206.342.6258

MERCHANT & GOULD P.C.
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
206.342.6200

27488
PATENT TRADEMARK OFFICE